

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11-cv-331
[Criminal Case No. 1:07cr 33-9]**

HAROLD EUGENE PATTON,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

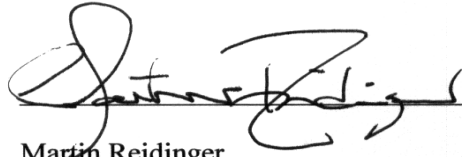
THIS MATTER is before the Court on the Petitioner's Motion under 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. 1].

The Court has conducted an initial screening of the motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. The Petitioner has properly signed the motion under penalty of perjury. Rule 2(b)(5), Rules Governing Section 2255 Proceedings. The Petitioner has provided indicia that the motion was filed within one year of the denial of his petition for a writ of certiorari. 28 U.S.C. §2255(f). It appears, at this stage of the litigation, that the Petitioner has asserted a claim that is sufficient to warrant a response.

Upon consideration of the motion and the record of prior proceedings, the Court determines that the United States should file response to the following claims: (1) ineffective assistance of trial counsel; (2) ineffective assistance of appellate counsel; and (3) the Petitioner's claim that, in view of recent changes in the law, he should not have been subjected to a mandatory minimum sentence of life.

IT IS, THEREFORE, ORDERED that on or before thirty (30) days from entry of this Order, the United States shall file response.

Signed: May 4, 2012


Martin Reidinger
United States District Judge

